

1
2
3
4
5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7
8
9

10 MICHAEL JAMES HUGGINS,

No. C 06-07254 YGR

11 Petitioner,

**ORDER RE MOTION TO STAY PENDING
EXHAUSTION**

12 v.

13 KEVIN CHAPPELL, Warden of San Quentin
14 State Prison,

15 Respondent.
16 _____/

17
18 Petitioner Michael James Huggins is a condemned inmate at San Quentin State Prison. On
19 September 27, 2012, the Court granted Petitioner's motion to stay these proceedings pending a
20 competency determination. On January 10, 2013, the Court granted the parties' joint motion to
21 continue the competency determination pending the decision of the United States Supreme Court in
22 *Ryan v. Gonzales*, No. 10-930, *cert. granted* 132 S. Ct. 1738 (2012). On January 8, 2013, the
23 Supreme Court issued a decision, *Ryan v. Gonzales*, ___ U.S. ___, 133 S. Ct. 696. Based on *Ryan*,
24 Respondent moved to vacate the stay; the Court denied Respondent's motion and ordered the parties
25 to submit a proposed schedule and procedures for determining Petitioner's competency.

26 The parties have since jointly submitted a Motion to Stay Federal Habeas Corpus
27 Proceedings Pending Petitioner's Exhaustion In State Court of Claim Pursuant to *Atkins v. Virginia*.
28 Petitioner avers that he has a viable claim that he is ineligible for execution under *Atkins v. Virginia*,

1
2 536 U.S. 304 (2002) (holding that execution of the mentally retarded violates the Eighth
3 Amendment). Accordingly, Petitioner and Respondent jointly move to stay federal proceedings
4 pursuant to *Rhines v. Weber*, 544 U.S. 269 (2005) (authorizing a district court to stay federal habeas
5 proceedings while a petitioner pursues unexhausted claims in state court), while Petitioner pursues
6 his *Atkins* claim in state court. Pursuant to this Court's earlier Order of May 3, 2013, the parties
7 have also jointly submitted a list of guilt-phase claims that are unexhausted and appropriate for
8 review by the state court.


9 The Court has reviewed the parties' submissions and agrees that allowing the state court to
10 resolve Petitioner's *Atkins* claim prior to continuing with further federal court proceedings is the
11 most efficient course of action. In the interests of judicial economy, any unexhausted portions of
12 Petitioner's guilt-phase claims – which would survive even if Petitioner is found to be ineligible for
13 execution under *Atkins* – should also be brought to the state court's attention.

14 Accordingly, for good cause shown, it is hereby ORDERED that:

- 15 1) Pursuant to *Rhines v. Weber*, 544 U.S. 269 (2005), federal proceedings in this matter
16 are STAYED until the California Supreme Court rules on Petitioner's state habeas petition;
17
18 2) Petitioner will inform the Court of the date of filing of his state habeas petition, and
19 submit quarterly status reports thereafter;
20
21 3) Petitioner's federal habeas counsel may represent him during the exhaustion
22 proceedings in state court.

23 IT IS SO ORDERED.

24 DATED: August 15, 2013

25 
26 YVONNE GONZALEZ ROGERS
27 UNITED STATES DISTRICT COURT
28